

California Victim Compensation and Government Claims Board

Open Meeting Minutes

February 19, 2009, Board Meeting

The California Victim Compensation and Government Claims Board convened its meeting in open session at the call of Rosario Marin, Secretary, State and Consumer Services Agency, at 400 R Street, Sacramento, California, on Thursday, February 19, 2009 at 10:03 a.m. Also present was Board member Les Kleinberg, Deputy Controller, acting for and in the absence of John Chiang, Controller. Board member Michael Ramos, San Bernardino County District Attorney, was not in attendance.

Board staff present included Julie Nauman, Executive Officer; Tom O'Connor, Chief Deputy Executive Officer; and Garry Ness, Chief Counsel. Tisha Heard, Board Liaison, recorded the meeting.

The Board meeting commenced with the Pledge of Allegiance.

Item 1. Minutes of the January 21, 2009, Board Meeting

The Board voted to adopt the minutes of the January 21, 2009, Board meeting.

Item 2. Public Comment

The meeting was opened to public comment. No public comment was offered.

Executive Officer's Statement

The Executive Officer gave the following report:

- On February 9, 2009, the VCGCB submitted a 60-day follow-up response to the December 2008 Victim Compensation Program audit conducted by the Bureau of State Audits. The 60-day response was an opportunity to update the State Auditor on progress made in several key areas outlined in the Strategic Plan. Specifically, the VCGCB is expanding outreach and access to the Victim Compensation Program through the development of an online application. Claims are being handled more efficiently and processing times are being reduced. In addition, the VCGCB has also completed the reorganization of staff into specialized processing teams. Improvements to optimize CaRES, the claims management system, are continuing which will enhance customer service and support data driven decision making for cost-effective claims handling. To help support a stable Restitution Fund, outreach on restitution to the criminal justice community will be increased. Lastly, the VCGCB completed a draft comprehensive communications and outreach plan. The Executive Officer reported the VCGCB is making strong progress in several areas and the next report to the State Auditor is due in four months.
- On Tuesday, February 24th the Senate Committee on Public Safety, chaired by Senator Leno, will hold an informational hearing entitled "Caring for Victims of Violent Crime: Compensation for Services and Comprehensive Trauma Recovery." The Executive Officer will appear and provide the committee with up-to-date information on the Victim Compensation Program, restitution recovery, administration of the Restitution Fund, the CaRES system, and other topics of interest. Preliminary to the hearing, last Friday the Executive Officer participated in a tour of the San Francisco Trauma Center with Senator Leno, Marin County District Attorney Edward S. Berberian, Jr., consultants from the legislature, and Leslie Lopez, General Counsel, State and Consumer Services Agency.
- Every state agency has been affected by the current fiscal situation. The Executive Officer commended staff for their dedication to the VCGCB's mission and its customers. The Executive Officer stated Friday, February 20th is a furlough day and it is noted on the VCGCB website.
- The Government Claims Program is launching a paperless, electronic communication process with all state agencies requesting and receiving recommendations on government claims. This new means of communication is a result of a successful pilot project that began

last year with the Government Claims Program and key partner agencies, the Attorney General's Office and the Department of Corrections and Rehabilitation. The new system will be more efficient and will result in quick decisions on claims.

- In recognition of Black History Month, the VCGCB and Office of Statewide Health Planning & Development cohosted a black history luncheon program on February 18 that featured poetry, dance, music, and great food. This celebration of African American culture and history reinforced how the VCGCB truly appreciates diversity in the workplace. The VCGCB will continue the celebration throughout the month of February.

Chairperson Marin thanked the Government Claims Program for going paperless and stated that aside from being green and saving the state money, this new process will improve the expediency of the decisions. Chairperson Marin also thanked the thousands of state employees who continue to do a remarkable job in these difficult economic times.

Item 3. Contract Report

The Executive Officer presented the contract report to the Board.

Government Claims Program

Item 4. Consent Agenda (Nos. 1- 439)

The Board voted to adopt the staff recommendations for numbers 1-439, with the exception of numbers 43, 113, and 414, which were removed in order to allow the claimants an opportunity to address the Board. Number 364 was removed and referred to the Department of General Services, Office of Risk and Insurance Management.

Consent Agenda Appearance

Item Number 43

Lionel Reynolds appeared and addressed the Board. The Board voted to continue the claim and requested staff to ask a representative from DMV to attend the meeting.

Consent Agenda Appearance

Item Number 113

Kelly Moran appeared and addressed the Board. Robin Harrington appeared on behalf of the California Department of Forestry and Fire Protection. The Board voted to reject the claim.

Consent Agenda Appearance

Item Number 414

Craig Everhart appeared and addressed the Board. The Board voted to allow the late claim application.

Item 5. Drug Consultants, Inc.

Claim Number G579931

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$188,410.50, to be paid pursuant to Government Code section 965 (agency pay).

Item 6. Applications for Discharge from Accountability for Collection

The Board voted to adopt the staff recommendation.

Item 7. Request for Delegation of Authority Under Government Code Section 935.6 by the California Highway Patrol

The Board voted to adopt the staff recommendation.

Item 8. Bid Protest of Kustom Signals, Inc. Invitation for Bid No. 56879

The Board voted to adopt the staff recommendation to deny the protest on the grounds that Kustom Signals, Inc., failed to show by a preponderance of the evidence that its bid should have been selected in accordance with the selection criteria in the IFB.

Item 9. Bid Protest of Custom Hardware Engineering and Consulting, Inc. Request for Quote FTB No. 0809-152

Chairperson Marin stated the bid protest involves the Franchise Tax Board, which is one the entities within her agency. Chairperson Marin also stated the State and Consumer Services Agency had no involvement in the contract award that is the subject of the bid protest and there is no other basis that would disqualify her from hearing the bid protest.

Board member Les Kleinberg stated the Controller serves as Chair of the Franchise Tax Board and there is no conflict because this is a department issue rather than a Board issue.

Robert Mitchel appeared on behalf of Signature Technology Group. Kathleen Yates appeared on behalf of the Department of General Services.

The Board voted to deny the protest of Custom Hardware Engineering and Consulting, Inc.

Victim Compensation Program

The Board commenced the Victim Compensation Program portion of the meeting at 11:17 a.m.

Reconsideration Following Board Action on a Proposed Decision
Recommendation: Allow (No. 1)

The Board voted to adopt the proposed decision.

Reconsideration Following Board Action on a Proposed Decision
Recommendation: Deny (Nos. 2-4)

The Board voted to adopt the proposed decisions.

Proposed Decision Following Failure to Respond
(Nos. 5-39)

The Board voted to adopt the proposed decisions.

Proposed Decisions Following Failure to Appear
(Nos. 40-46)

The Board voted to adopt the proposed decisions.

Closed Session

Pursuant to Government Code section 11126(c)(3), the Board adjourned into Closed Session with the Board's Executive Officer, Chief Deputy Executive Officer, and Chief Counsel at 11:18 a.m. to deliberate on the proposed decisions, numbers 47 through 70.

The Board reconvened into open session at 11:32 a.m.

Open Session

The Board voted to adopt the proposed decisions for numbers 47 through 70.

Adjournment

The Board meeting adjourned at 11:33 a.m.

Julie Nauman
Executive Officer

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of March 19, 2009, at Sacramento, California.

Date: March 19, 2009

By: _____
Board Liaison (Affix Seal here)